

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Mary Downing

Social Security No. xxx-xx-9740
Address: 1203 Moreland Avenue, Durham, NC 27707-

Case No. 09-81167
Chapter 13

Debtor

OBJECTION TO CLAIM

NOW COMES the Debtor above-named, through counsel, pursuant to 11 U.S.C. §502 and Bankruptcy Rule 3007, who respectfully objects to the proof of claim filed by the creditor **BENEFICIAL MORTGAGE COMPANY OF NORTH CAROLINA** and dated August 13, 2009, for the following reasons:

1. The on-going payment amount asserted by Beneficial, of \$951.82, includes disability insurance that was cancelled by Beneficial on August 6, 2009. The correct payment should be and should have been since the commencement of this case \$901.26. A copy of the letter cancelling this insurance and the most recent statement is attached as Exhibits A & B.
2. As of September 30, 2011, it will have been twenty-four (24) months since confirmation, Beneficial should have received \$21,630.24 for on-going payments. Any amount paid above this should be applied to the arrearage claim.
3. As the Beneficial note is a simple interest note, Beneficial should be required to recalculate the current principal balance based on this payment schedule.

WHEREFORE, the Debtor prays that the Court enter an Order:

1. Finding that the on-going mortgage payment to have been \$901.26 since August 2009;
2. Ordering Beneficial to recalculate the current principal balance based on this payment schedule.

Dated: September 6, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward C. Boltz
Edward C. Boltz
N.C. State Bar No. 23003
6616-203 Six Forks Road
Raleigh, N.C. 27615
(919) 286-1695
eboltz@johnorcutt.com

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Mary Downing

Social Security No. xxx-xx-9740
Address: 1203 Moreland Avenue, Durham, NC 27707-

Case No. 09-81167
Chapter 13

Debtor

CERTIFICATE OF SERVICE

I, Renee Nolte, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on September 6, 2011. I served copies of the foregoing **OBJECTION TO CLAIM** electronically or, when unable, by regular first-class U.S. mail, addressed to the following parties:

BENEFICIAL MORTGAGE COMPANY OF NORTH CAROLINA

Attn: Managing Agent
Post Office Box 21188
Eagan, MN 55121-4201

Corey M. Robertus
Attorney for BENEFICIAL MORTGAGE COMPANY OF NORTH CAROLINA
Moss Codilis
Post Office Box 21188
Eagan, MN 55121-4201

U.S. Bankruptcy Administrator

Richard M. Hutson, II
Chapter 13 Trustee

/s Renee Nolte
Renee Nolte